

# Evergreen Fire District Board of Trustees

Minutes of Board Meeting  
April 4, 2016

**Board members present:** *Shawn Baker, Jack Fallon, Dave Edwards, John Foust*

**Board members absent:** *Kyle Nace*

**District Staff/Employees:** *Fire Chief Craig Williams, Fire Marshal Ben Covington,  
Administrative Assistant Laurie Pein*

**Public Attendance:** *None*

## **MEETING OF APRIL 4, 2016 CALLED TO ORDER AT 12:07 P.M.**

### **PUBLIC IN ATTENDANCE RECOGNIZED:**

*None*

### **ADOPT THE AGENDA:**

*Jack moves to adopt the Agenda as presented, Dave seconds the motion, the Agenda is adopted unanimously.*

### **PUBLIC COMMENT:**

*None*

### **FINANCIALS:**

#### **1. January 2015**

*Jack points out that there is \$179,000 in account 7204 as of April 1<sup>st</sup> and we only need approximately \$70,000 to \$100,000 to cover expenditures for April & May so there may be some money that needs to be moved. Some of it may be mill levy distribution that needs to go to account 9428 but 9428 also needs to pay back 7204 for the delinquent payroll taxes that were covered by 7204. The board needs to make the decisions soon so that the money can be moved by June 30<sup>th</sup>. Craig says there is approximately \$40,000-\$45,000 that needs to be transferred to 9428 for the EMS mill levy. He says there is also about \$40,000 worth of wildland income in 7204 but the board needs to develop a plan for what happens with that income. Craig also indicates that we need to do the transfer of*

a few thousand into the Department account, 4212. Dave questions where the excess money would usually go. Craig explains that it usually goes into the capital improvement account. Craig also explains that 9428 does still owe for moneys paid during the financial issue and the board needs to keep that in mind and attempt to begin paying that back in incremental chunks, but it would be difficult to pay it all at once. Jack indicates that Don Davies was going to come up with a kind of payment schedule for the money owed to 7204 and wasn't sure if he would include an interest rate of 1% or 1.5%. Craig says that he hasn't seen anything like that yet. Jack further explains that large sums of money can be left in the 7250 capital improvement fund but the department must identify, annually, what we intend to spend that money on, but the money can be reallocated for a specific need but must be for a specific purpose when it goes in. Shawn explains that we are only allowed a certain amount of budget surplus or carry-over from one year to the next in the regular county funds but you can have a larger carry-over in the capital improvement fund. Ben further explains that the County allows a carry-over of one third and if it goes over that they will prompt him to move it to capital improvement. Jack reminds the board that the money in the 7285 construction account should be spent by the end of this fiscal year as it's been in there way too long. He thinks there is about \$18,000 in that account. Laurie reminds the board that at one time they planned to spend some of that money on re-working the front office. Shawn says that the cabinet shops are all really busy right now so the process should be started immediately if the money is to be spent by June 30<sup>th</sup>. Ben believes the project could use up the rest of the money in the construction account.

*Jack moves to approve the financial statements as presented for February, 2016; seconded by Dave; motion passed unanimously.*

#### **PAST ITEMS/UPDATES:**

##### **1. Approve Meeting Minutes of February 1, 2016**

*Shawn and Jack both indicate they did not get a chance to look at the meeting minutes. John did read them and didn't see any problems but he wasn't at that meeting. Laurie provides the original for Jack and Shawn to look at. Jack points out that on the bottom of page two it should say the financial statements for January 2016, not February. Shawn corrects and initials the sentence on the original minutes. Shawn then indicates that everything else in the minutes agrees with his notes and asks for a motion.*

*Jack expresses concern about approving the minutes. He thinks that in the last meeting Craig said that Jack had violated the open meeting law. The minutes as presented reflect that Craig only indicated that there was a violation. Shawn reads the pertinent portion of the minutes as follows: "Dave asks Jack if the three board members he got rid of was a situation that would be consistent with what is going on now. Jack says no, because it was attached to violating the open meeting law and there were no violations of that law here that he is aware of, but he hasn't seen the grievances. Craig indicates that there is one violation of the open meeting law involved." Jack says he feels the matter needs to be followed up on and the time frame determined because it's a serious statement and could*

invalidate decisions made if challenged. Shawn does not feel the audio will be substantially different from the transcription and feels that now that it's in the minutes it could be considered a formal notification of the allegation. Jack believes that as it is stated it would be an accusation toward the entire board and not one individual. Shawn believes the line should either be struck from the minutes or they need to have a formal grievance to address this particular issue. Jack does not want it struck from the minutes because he wants it to be followed up on. Craig advised the board that his personal counsel does not feel it is necessary for him to present his grievance at this time and that the incident occurred in 2014. Craig says he is aware of the reporting requirements for an open meeting violation and is using the incident as an example only. Shawn feels the issue needs to be investigated. Jack says that an open meeting violation would occur any time there is a quorum or a majority of a board that gets together outside the structure of a normal meeting and there is then subsequent action taken by a majority. Craig indicates that is not the only example. Dave asks what another would be. Jack says that another example would be meeting as a group without properly noticing or advertising the meeting, then the group as a whole would be liable for anything that came out of that meeting. Dave wonders if that would include workshops. Jack says it would apply to any meeting, even workshops but if no decisions are made then there is no liability because it was just a discussion. Shawn adds that is because in that instance, the public would not have an opportunity to comment on the decisions being made.

Dave indicates that he feels the board should formalize a whole lot of things; how the board talks to administration, and how the board is going to operate. He feels it would help to take care of both the administration and the board. Craig again expresses that the reason he has not submitted his grievance is that there is no policy, direction or path established to deal with it but is hesitant to speak for Laurie on the issue. Dave feels that Craig should speak for Laurie and that the board should not be dealing with each of us directly but should be dealing with Craig alone, as the administrator, and that Craig should be dealing with Shawn then the board should vote. Dave feels there is a lot of time being wasted on things that Craig and Shawn could resolve. Craig points out, though, that Shawn can't vote for the board singularly. Dave acknowledges that fact. Craig says that it will take a vote of the board. He can only make recommendations to Shawn, then Shawn has to take it back to the board for a vote. Shawn says that he has to try to get enough of a consensus for the board to have a vote. Dave would like to see one person who would handle the grievances in dealing with the board instead of dealing individually with all three people lodging grievances. Craig explains that he is that person and has followed what limited policy is available in the employee handbook whereby the grievances were given to him, he found that they have merit, so he presented them to Shawn, and that's where it stands. Craig feels he has presented the notice of intent but there has been no movement on the part of the board and the ball is in their court. Shawn agrees.

Dave asks about the format for complaints used by the school board and says he wouldn't have a problem adopting that procedure even though it seems to be pretty simplistic. Craig indicates the board can call it a policy, procedure, guideline or whatever they want and says it can be amended as often as necessary. John feels very



*strongly that the grievances cannot be called grievance. There is a lot of discussion regarding this issue and Craig requests that he not get hung up on what it's called. The word grievance was used because that is the word used in the employee handbook. They can be called complaints or whatever the board wants them to be called, but whatever that is, there still needs to be a process for dealing with it. Dave feels that Ben's complaint has been heard by the board and that Dave's solution of putting some things in place is a step toward recognizing Ben's issue and that Ben should recognize that and the issue should be considered solved. Craig says that as long as there is something established he will turn in his complaint. Dave does recognize the problem but doesn't like the idea of having to deal with the same issue three different times with three different personalities but he indicates he is also very reluctant to establish strict guidelines for the board. Craig reiterates that all he is looking for is guidelines, not a super strict code that cannot be deviated from. Dave proposes that the board adopt the guidelines used by the school district for the structure of resolutions, allocations, pros, cons, etc., and that the board deal only with Craig as a representative of the employees. Laurie says that the school board also has a procedure for dealing with Complaints that are not covered by the collective bargaining agreement with the union.*

*Ben says there are also codes of ethics for both school boards and fire boards. Craig indicates that he has half a dozen of them. Laurie also says that her attorney has indicated that many, many boards do adopt some sort of guideline for their own protection as well as the protection of the administration of an organization. Jack says that the school district does have a uniform complaint procedure but that none of it is applicable to what the Evergreen board is dealing with right now. Dave asks what that procedure is and Jack says he'll print it out. Jack goes on to say that it has to do with the way public might be treated by district staff and that there's building and administrative and superintendent protocols to address the complaint and if it isn't satisfied at those levels then it comes to the board and it's satisfied at that level. Ben says he's trying to understand and asks if he has a complaint, is he not supposed to bring it to the board?*

*Jack says if he has a complaint he should bring it to the board, they will try to discover what the issues are and talk it through and then they come up with a statement as to how they think it should be addressed. Jack also says that, yes, the school board does have a code of ethics. Ben asks if the fire board should have a code of ethics. Jack says he doesn't think it's necessary and says that it's just an understanding of what people's relationships and legal arrangements are. He says that in 1997 the school board tried to get him kicked off and accused him of violating the code of ethics because he was in opposition to an action and campaigned against it. He says that some of the board did everything they could to stop it and were not able to, so a code of ethics doesn't matter because it works two ways.*

*Shawn asks Ben if he is okay with discussing his grievance with Laurie present. Ben says that it's fine, but asks if the board should stay with the sequence outlined in the agenda. John indicates that the Glacier Bank item is taken care of. Laurie asks if the minutes were approved. Shawn indicates that the conversation segued into another issue that kept the minutes from being approved. Shawn then says that what is missing is guidelines to*

*help administration do its job and to know what should be presented at meetings, whether looking at disbursements or approval of financials or whatever, and asks if what is really being asked for is guidelines not policy. Ben says yes. Craig says that what he, Ben and Laurie are looking for is consistency that will prevent the inconsistency previously experienced. Craig says that he doesn't care what it's called but asks that changes then be made by a majority vote of the board so that things can't be changed by just one member of the board. Ben agrees and says it's the inconsistency he's having problems with and that just when he thinks he's got it all together and knows how to do something the way the board wants it someone says no, that's wrong. Shawn asks if the board is okay with that and that they would not be hamstringing themselves to a policy that would take an act of God to change, just some general guidelines.*

*Craig says that he's seen a lot of discussion in board meetings where someone says, well, what have we done in the past, what is past practice? He feels that if there were guidelines developed, a template, a format, whatever you want to call it, then we wouldn't have to ask what is past practice. It would be there in writing as a way to jog the memory. Dave feels that would be inconsistent to have a policy but it's a loose policy that's subject to change. Craig explains that it would only be subject to change by a majority and that what has happened in the past is that individual board members have changed policy without a majority of the board. Dave indicates that he understands. Shawn adds that if the department operates on institutional memory, then when board members change and personnel changes at the district level, then you're forced to rely on just the individual memories of the people still there or what can be found in minutes. Craig adds that there is a lot of behind the scenes work involved in preparing financials, resolutions, etc., and that it would be nice to know in advance, consistently, how things are to be done and if something needs to be changed it can be changed as long as it's by a majority and feels that is a very democratic way of dealing with the matter. Shawn says he is less concerned about having a vote or a majority but does want to make sure the board has a general idea of what they are asking administration to do and would like to have some consistency. He says that he would like to reserve the right for the board to change its mind and hopes Craig respects that. Craig says that he does, absolutely, as long as it's with proper notification.*

*Laurie comments that in regard to the situation that occurred when Jack, through Shawn, asked to have the reconciliations included in the financials, it was in the form of a directive to her, without a copy being sent to Craig or any knowledge of the situation on his part. Laurie says that she was instructed when first hired that she was to take direction only from Craig or with Craig's knowledge due to problems that had occurred in the past. Craig adds that it is a big issue for him as well and that he's digging in his heels now because it has to change. Dave wonders if it would be a good idea to have a full time Assistant Administrator to help with this kind of issue. Shawn points out that this department is an awkward size to try and make an assistant like that work. Craig says it's really just a matter of making sure people understand the chain of command and follow it.*

*John would like to see the board meetings be a little more structured and if an item isn't on the agenda, the board shouldn't be discussing it. John says that the board meeting has been in session for an hour now and nothing has been accomplished. Shawn disagrees and feels there has been some forward progress.*

*Shawn brings up that there is still an issue with the allegation that there was a violation of the open meeting laws. Shawn is concerned about what will happen if someone refers back to that and the board has done nothing about it. Craig says that it is a part of his grievance/complaint but since he has not presented his grievance/complaint to the board yet, there has not been formal notice and the board could not be expected to have acted on it. Jack reiterates that his concern was that he felt the allegation was directed at him and wasn't sure how the minutes should reflect that. Craig responds that it was directed more toward the board, that he's not singling anyone out, and that it's just an issue the board should probably make sure doesn't happen again. Shawn says that Craig originally said he had a grievance that would be directed toward the board and also toward Trustee Fallon, so when subsequent minutes contain something about a violation of the open meeting law it's not clear whether it is about the board or just Jack. Craig says it's really a combination. Shawn agrees that if they haven't seen the grievance/complaint then they can't act on it but feels it needs to be its own separate complaint or an oral complaint so the board can take formal action or inaction on it. Craig says he'd like to present his complaint as soon as possible but has been waiting to see if some sort of process would be established for dealing with it. He would like to see it dealt with soon, but has been told he is under no obligation to submit it absent a process for dealing with it. Shawn indicates that if Craig decides to wait to file his full complaint, Shawn would like him to at least separate the violation of open meeting law portion from the rest and bring that complaint to the board soon. Jack says he was only looking for clarification on whether it was directed at him personally and the way it is worded in the minutes directs it at the board as a whole. He believes the board just needs to acknowledge they've been told the open meeting law was violated but can't do anything about it until it is formally pursued.*

*Dave moves to approve the minutes of March 7, 2016; seconded by John; motion passed unanimously.*

## **2. Glacier Bank/WFCU Account Signatures**

*John filled out his paperwork so Jack will take it to the banks this afternoon.*

## **3. Ben's Grievance**

*Shawn feels that while there was not final resolution there was some progress made. John thinks it would be great if Shawn and Ben got together and could then bring something to the board and get it done.*



## **NEW ITEMS/UPDATES:**

*None*

## **RESOLUTIONS:**

### **1. Resolution 2016-01 Re: 10% Ambulance Match**

*Shawn indicates this was originally a resolution to approve the expenditure of up to \$25,000 and that it has been re-written to approve a resolution for a budget amendment to spend the 10% match. Ben says they will bring the final amount spent on accessories to the board once they know for sure what it will all be. Jack says that if we know what the cost of the ambulance will be then we know what the 10% match will be and he wants those figures to be included in the budget amendment. Ben explains that this is just the budget amendment for the expenditure and once all the exact amounts are known then it can be done all at once. Jack would like it all to be included in the budget amendment so that it can be approved all at once, for up to a total of \$25,000 and then the board won't have to revisit the issue again. Ben indicates that he did it the way the County has told him it should be done. Jack disagrees and says he can't approve it as it is.*

*Shawn clarifies that the first time Ben brought it to the board as a resolution and the board sent it back to him to write it as a budget amendment so the board is approving a budget amendment rather than approving the purchase. Ben says that is correct. Craig says that he was present when Ben talked to County finance and that Ben did the budget amendment according to the instruction he was given. Shawn clarifies that County finance told Ben to do it this way. Ben confirms that County finance told him to do a budget amendment and then the board can motion for monies to be spent out of the \$25,000 and Ben then takes the minutes reflecting approval of the motion up to the County and they will then cut a check.*

*Jack says that he just wants to do it all in one motion that takes care of it all and then it never has to be revisited and that the County will accept that as well. John, who missed the last board meeting, and Dave ask for clarification of how it should be worded. Sean says that it should state that the \$25,000 includes a 10% match of the cost of the new ambulance plus an additional amount of up to \$25,000 for accessories. Jack says that if a layman were to look at the budget amendment it should show what the total cost of the ambulance is, what the 10% match is, and what additional amount of money is going to be spent so that it's all right there in one place on one document. Shawn says that neither way is really wrong then and that what Ben has done is probably more procedurally correct but what Jack is suggesting would be a document you could hand one document to someone on the street and they would be able to see exactly what happened. Craig then asks what has more value, following the County or what Jack is suggesting. Jack says that his way would satisfy the County also. Shawn says he thinks it's splitting hairs and it doesn't really matter which way it's done.*

*Ben says that while he knows the cost of the ambulance and therefore the 10% match, he doesn't know the cost of the accessories and won't until later down the road so the matter will have to be revisited anyway in order to prove the board's approval of the additional expenditures so the County can issue checks. Jack believes the "up to" provides latitude in that respect. Jack says that the board is not concerned about the exact cost of the accessories and that Ben won't have to come back to the board for approval to spend the money on the accessories because it will already have been approved.*

*Laurie says that if it does come back to the board for approval of expenditures on accessories then at least the board will know what is being spent on what. Jack says he doesn't need to know that and is not going to question expenditures on accessories. Jack says that it will also make it easier for the auditor if it's all on one sheet of paper. Shawn says the auditor should be able to figure that out and Laurie adds that the auditor does get copies of all the resolutions and budget amendments. Shawn asks if there is a motion for approval or not. John says he doesn't see a problem with it as presented. Shawn adds that this is another example of where there should be a guideline. Dave suggests that this could be used as an example and that Shawn and Craig could look at it and come up with a guideline or template. Shawn agrees. Dave thinks this would be a good way to start. Ben and Craig agree.*

*Craig warns the board that he has been told the ambulance will be delivered at the very beginning of May and if they have to wait until the next meeting to get the approval there may be an urgent need to get the budget amendment approved and signed so he can get a check because payment of the 10% match will be due upon delivery. John says that he'd rather approve it now so that when the ambulance comes in the money is already available and makes a motion to adopt the budget amendment. There is no second and the motion dies.*

### **PROPOSALS:**

*None*

### **CHIEF'S REPORT:**

#### **1. March Call Volume**

*Craig reports that there were 115 incidents in April. There were 10 calls into the City of Kalispell last month which is an increase. Creston was also exceptionally busy. Craig says Evergreen has solidly bypassed Whitefish now in terms of call volume and we are now the third busiest department in the valley in terms of EMS and fire response and he believes that will continue. Kalispell and Three Rivers are the only departments with higher call volume than Evergreen. Craig explains that Three Rivers is so high because they cover the largest geographical distance of any provider in the valley, about 250 square miles.*



*Craig also reports that the department will be adding two EMT prn's which will not require a change to the budget or anything as it is simply replacing two that left the department. Craig goes on to say that there are only two qualified people so there won't really be any interview process or anything. Craig explains that prn is from a latin term that means "as needed". The prn's will not have any guaranteed hours and are on call as needed. Most of them are already medical, some as medics and some as EMT's. Craig thanks Ben and everyone involved in making this happen. It was a six or seven week process.*

*Craig also reports to the board that we just completed our largest fire academy in the history of Evergreen. The nine candidates completed a 10-hour drill and there will be presentations and awards at training this Thursday night and they will also be recognized at the Spring Banquet.*

Meeting adjourned at 1:27 p.m.

Submitted by: *Dawnie J. Pina, Designer*  
Secretary

Signed by: *Shawn W. Baker*  
Shawn W. Baker - Chairman